

RECEIVED
CENTRAL FAX CENTER

APR 24 2006



Patent & Trademark Division
Abbott Laboratories
One Hundred Abbott Park Road
Abbott Park, Illinois 60064-8050
Telecopy: 847-938-2823

FACSIMILE/TELECOPY COVER SHEET
OFFICIAL DOCUMENTS!!!!

DATE: April 24, 2006

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 5

TO: Examiner Parthosh K, Erythropoietin ; Group Art Unit 1643
United States Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: Dianne Casuto, Senior Counsel
Patent and Trademark Department
D-0377, AP6A-1
Telephone: (847) 938-3137

MESSAGE:

Applicants: Reilly, et al.
Serial No.: 10/822,306
Filed: April 12, 2004
Title: ANTIBODIES TO ERYTHROPOIETIN RECEPTOR AND USES THEREOF
Case No.: 7349.US.P1

Enclosed herewith for the patent application identified above entitled ANTIBODIES TO ERYTHROPOIETIN RECEPTOR AND USES THEREOF is the following:

1. Response to Restriction Response (2 Pages) in duplicate

THIS TRANSMISSION IS INTENDED ONLY FOR THE INDIVIDUAL(S) TO WHOM IT IS ADDRESSED. It may contain confidential information, attorney work product, or other privileged material. If you are not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone at (847) 937-6369 and return the transmission to us at the address listed above.

©Abbott Laboratories, 2000. All rights reserved.

APR. 24. 2006 3:33PM

RECEIVED
CENTRAL FAX CENTER

NO. 8286 P. 2

APR 24 2006

**PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Edward B. Reilly, et al.

Serial No.: 10/822,306

Filed: April 12, 2004

For: ANTIBODIES TO ERYTHROPOIETIN
RECEPTOR AND USES THEREOF

Attorney Docket No.: 7349.US.P1

Examiner: Parithosh K. Tungaturthi

Group Art Unit: 1643

Certificate of Facsimile Transmission under 37
CFR §1.8(a):

I hereby certify that this paper (along with any
paper referred to as being attached or enclosed) is
being transmitted via facsimile, said transmission
to be completed before midnight Eastern time on
the date shown below, addressed to the following
recipient:

Commissioner for Patents

Attn: Examiner Parithosh K. Tungaturthi

Group Art Unit 1643

Alexandria, VA 2313-1450

Recipient Telefax Number: (571) 273-8300

Kimberly A. Brio 4/24/06
Kimberly A. Brio Date

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2313-1450

Dear Sir:

This communication responds to the Office Action, mailed April 23, 2006 in the
above-identified application. In the Office Action, the Examiner restricted Applicants'
invention to one of six designated inventions, in the following manner:

Group I: Claims 1-22, 40 and 41, drawn to an isolated antibody or an antigen-
binding portion thereof, that dissociates from human EpoR, classified in class 530,
subclass 387.1+, for example;

Group II: Claims 23-25, drawn to a method of activating endogenous activity of a
human erythropoietin receptor in a mammal, the method comprising the step of
administering to said mammal a therapeutically effective amount of an antibody or an
antigen-binding portion thereof, classified in Class 424, subclass 130.1, for example;

Group III: Claims 36 and 37, drawn to a method of treating a mammal suffering
from aplasia, classified in Class 514, subclass 2, for example;

APR. 24. 2006 3:34PM

NO. 8286 P. 3

U.S. Patent Application Serial No: 10/822,306
Attorney Docket No. 7349.US.P1
Response dated April 24, 2006
Reply to Restriction Requirement of April 12, 2006

Group IV: Claims 38 and 39, drawn to a method of treating a mammal suffering from anemia, classified in Class 514, subclass 2, for example;

Group V: Claim 42-59, drawn to a polynucleotide molecule, classified in Class 536, subclass 23.1, for example; and

Group VI: Claims 60 and 61, drawn to a polypeptide molecule, classified in class 530, subclass 300+, for example.

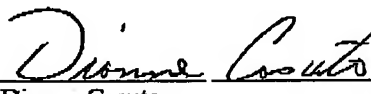
Applicants hereby elect the invention of Group I (Claims 1-22, 40 and 41), without traverse. Applicants reserve the right to file continuation applications directed to the non-elected subject matter.

The Commissioner is hereby authorized to charge any additional Filing Fees required under 37 CFR §1.16, as well as any patent application processing fees under 37 CFR §1.17 associated with this communication for which full payment had not been tendered, to Deposit Account No. 01-0025. A duplicate copy of this sheet is enclosed.

Should the Examiner have any questions concerning the above, he is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Edward B. Reilly, et al.

ABBOTT LABORATORIES
Customer No.: 23492
Telephone: (847) 938-3137
Facsimile: (847) 938-2623


Dianne Casuto
Registration No. 40,943
Attorney for Applicants

APR 24 2006

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edward B. Reilly, et al.

Serial No.: 10/822,306

Filed: April 12, 2004

For: ANTIBODIES TO ERYTHROPOIETIN
RECEPTOR AND USES THEREOF

Attorney Docket No.: 7349.US.P1

Examiner: Parithosh K. Tungaturthi

Group Art Unit: 1643

Certificate of Facsimile Transmission under 37
CFR §1.8(a):I hereby certify that this paper (along with any
paper referred to as being attached or enclosed) is
being transmitted via facsimile, said transmission
to be completed before midnight Eastern time on
the date shown below, addressed to the following
recipient:

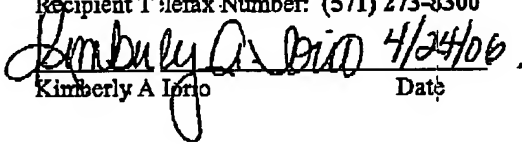
Commissioner for Patents

Attn: Examiner Parithosh K. Tungaturthi

Group Art Unit 1643

Alexandria, VA 2313-1450

Recipient Telefax Number: (571) 273-8300


Kimberly A. IorioDate
4/24/06RESPONSE TO RESTRICTION REQUIREMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 2313-1450

Dear Sir:

This communication responds to the Office Action, mailed April 23, 2006 in the above-identified application. In the Office Action, the Examiner restricted Applicants' invention to one of six designated inventions, in the following manner:

Group I: Claims 1-22, 40 and 41, drawn to an isolated antibody or an antigen-binding portion thereof, that dissociates from human EpoR, classified in class 530, subclass 387.1+, for example;

Group II: Claims 23-25, drawn to a method of activating endogenous activity of a human erythropoietin receptor in a mammal, the method comprising the step of administering to said mammal a therapeutically effective amount of an antibody or an antigen-binding portion thereof, classified in Class 424, subclass 130.1, for example;

Group III: Claims 36 and 37, drawn to a method of treating a mammal suffering from aplasia, classified in Class 514, subclass 2, for example;

U.S. Patent Application Serial No: 10/822,306
Attorney Docket No. 7349.US.P1
Response dated April 24, 2006
Reply to Restriction Requirement of April 12, 2006

Group IV: Claims 38 and 39, drawn to a method of treating a mammal suffering from anemia, classified in Class 514, subclass 2, for example;

Group V: Claim 42-59, drawn to a polynucleotide molecule, classified in Class 536, subclass 23.1, for example; and

Group VI: Claims 60 and 61, drawn to a polypeptide molecule, classified in class 530, subclass 300+, for example.

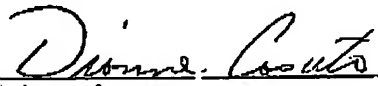
Applicants hereby elect the invention of Group I (Claims 1-22, 40 and 41), without traverse. Applicants reserve the right to file continuation applications directed to the non-elected subject matter.

The Commissioner is hereby authorized to charge any additional Filing Fees required under 37 CFR §1.16, as well as any patent application processing fees under 37 CFR §1.17 associated with this communication for which full payment had not been tendered, to Deposit Account No. 01-0025. A duplicate copy of this sheet is enclosed.

Should the Examiner have any questions concerning the above, he is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Edward B. Reilly et al.

ABBOTT LABORATORIES
Customer No.: 23492
Telephone: (847) 938-3137
Facsimile: (847) 938-2623


Dianne Casuto
Registration No. 40,943
Attorney for Applicants